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MINISTRY OF LAW

New Delhi, the 23rd December, 1950

The following Acts of Parliament received the assent of the President on the 23rd December, 1950 and are hereby published for general information:—

THE SUPPLY AND PRICES OF GOODS ACT, 1950

No. LXX of 1950

An Act to provide, in pursuance of a resolution under article 249 of the Constitution, for the control of prices of certain goods, and the supply and distribution thereof.

[23rd December, 1950]

Be it enacted by Parliament as follows:—

1. Short title and extent.—(1) This Act may be called the Supply and Prices of Goods Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “dealer” means a person carrying on the business of selling any goods, whether wholesale or retail;

(b) “goods” means goods to which this Act applies;

(c) “notified order” means an order notified in the Official Gazette;

(d) “offer for sale” includes an intimation by a person of the price proposed by him for a sale of any goods made by the publication of a price list, by exposing his goods for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever;

(e) “prescribed” means prescribed by rules made under this Act;

(f) “producer” includes a manufacturer;

(2) A person shall be deemed to be in possession of goods—

(i) when they are held on behalf of that person by another person;

(ii) notwithstanding that they are mortgaged to another person.

3. Goods to which this Act applies.—Subject to the other provisions contained herein, this Act applies to the goods specified in the Schedule and to such other goods as the Central Government may, by notified order, specify in this behalf.

4. Fixing of maximum prices and maximum quantities which may be held or sold.—(1) The Central Government may, by notified order, fix in respect of any goods—

(a) the maximum price or rate which may be charged by a dealer or producer;

(b) the maximum quantity which may at any one time be possessed by a dealer or producer;

(c) the maximum quantity which may in one transaction be sold to any person.

(2) Any such order may—

(a) fix maximum prices or rates and maximum quantities for the same description of goods differently in different localities or for different classes of dealers or producers;

(b) instead of specifying the maximum price or rate to be charged, direct that that price or rate shall be computed in such manner and by reference to such matters as may be provided by the order.

5. Restrictions on possession and sale by dealers and producers where maximum is fixed under section 4.—(1) No dealer or producer shall—

(a) sell or agree to sell or offer for sale to any person any goods for a price or at a rate exceeding the maximum fixed under clause (a) of sub-section (1) of section 4,

(b) have in his possession at any one time a quantity of any goods exceeding the maximum fixed under clause (b) of sub-section (1) of section 4, unless he has reported the fact of such possession to the Central Government or to the officer appointed in that behalf as required by section 7; or

(c) sell or agree to sell or offer for sale to any person in any one transaction a quantity of any goods exceeding the maximum fixed under clause (c) of sub-section (1) of section 4.

(2) Where any goods are sold, agreed to be sold or offered for sale in contravention of sub-section (1) by a dealer or producer through any person employed by him or acting on his behalf, such person and also, unless he proves that he exercised due diligence to prevent such contravention, the dealer or producer, as the case may be, shall be liable to the punishment provided by sub-section (1) of section 14

(3) Where a dealer or producer disposes of any goods by having them sold by auction on his behalf, the auctioneer, as well as the dealer or producer, shall be liable to the punishment provided by sub-section (1) of

section 14, if in any such sale there is a contravention of clause (c) of sub-section (1).

6. General limitation of quantity which may be possessed at any one time.—(1) No person shall have in his possession at any one time a greater quantity of any goods to which this section applies than the quantity necessary for the reasonable needs of himself and his family for the prescribed period, unless he has reported the fact of such possession to the Central Government or to the officer appointed in that behalf as required by section 7:

Provided that nothing contained in this sub-section shall apply—

(a) to a dealer in respect of any goods sold or purchased by him in the course of his business, or

(b) to a producer in respect of any goods produced by him.

(2) For the purposes of this section, the Central Government may prescribe the circumstances and matters which shall be taken into account in determining the reasonable needs of any person, and may prescribe different periods for different areas or for different classes of goods.

(3) Notwithstanding anything contained in section 3, this section shall apply only to such goods as the Central Government may, by notified order, specify in this behalf.

7. Duty to declare possession of excess stocks—Any person having in his possession a quantity of any goods exceeding that permitted by or under this Act shall forthwith report the fact to the Central Government or to any officer appointed by it in this behalf and shall take such action as to the storage, distribution or disposal of the excess quantity as may be prescribed or as the Central Government or such officer may direct.

8. Holding of stocks.—(1) If any dealer has in his possession in the course of his business a stock of any goods and the said dealer or any person employed by him to sell goods in the course of his business, when asked by any other person (hereinafter in this section referred to as “the buyer”) to sell goods of that description or whether he or his employer has such goods for sale—

(i) refuses to sell the goods, or denies that he or his employer has the goods, or by words or conduct intentionally causes the buyer to believe that he or his employer has not got the goods or will not or cannot sell them, or

(ii) offers to sell the goods subject to a condition requiring the buying of any other goods or subject to any other condition except the condition that the buyer shall pay the price forthwith or take delivery within a reasonable time.

the dealer carrying on the business shall be guilty of an offence under this Act.

(2) It shall be a defence for a person charged with any such offence to prove that the sale of the goods or the sale thereof without the fulfilment of the condition proposed by him, would, having regard to the quantity of goods which he or that person was requested to sell or any other consideration—

(a) be contrary to the normal practice of his business; or

(b) involve a breach of some obligation lawfully binding on him;
or

(c) interfere with arrangements made by him for an orderly disposal of his stock among his regular customers.

9 Cash memorandum to be given of certain sales.—(1) Every dealer or producer, when selling goods for cash shall, if the amount of the purchase is rupees ten or more, in all cases, and if the amount of the purchase is less than rupees ten, when so required by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The Central Government may prescribe the particulars to be contained in any such cash memorandum.

(3) Notwithstanding anything contained in section 8, this section shall apply to all goods, whether they are goods to which this Act applies within the meaning of that section or not, but the Central Government may, by notified order, exempt specified areas, classes of dealers or producers or classes of goods from the operation of this section.

10. Marking of prices and exhibiting price lists and stocks.—(1) The Central Government may direct dealers or producers in general, or any dealer or producer or class of dealers or producers in particular, to mark goods exposed or intended for sale with the sale prices or to exhibit at some easily accessible place on the premises price lists of goods held for sale and also to similarly exhibit on the first day of every month, or at such other intervals as may be prescribed, a statement of the total quantities of any such goods held in stock, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

(2) No dealer shall destroy or efface, or alter or cause to be destroyed, effaced or altered, any label or mark affixed—

(a) to any goods in pursuance of a direction under sub-section (1)

or

(b) to any goods and indicating the price marked by a producer.

(3) Notwithstanding anything contained in section 8, the Central Government may, by notified order, declare that the provisions of this section shall also apply to any goods other than those to which this Act applies within the meaning of that section.

11. Obligation to state prices separately on composite offer.—Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect of both of a sale of any goods and of some other matter, the dealer or producer making the offer shall state in writing the price which he assigns to the goods, if he is required so to do by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell the goods at the price so stated.

12. Prohibition of closure of shops.—No dealer in any goods shall keep his shop closed with the intention of avoiding the regular sale of such goods and thereby obtaining a higher price for the goods at a later date.

13. Power to regulate production and distribution of goods.—The Central Government may, by general or special order,—

(a) prohibit the disposal of any goods except in such circumstances and under such conditions as may be specified in the order;

(b) direct the sale of the whole or a specified part of the stock of any goods at such prices and to such persons or class of persons or in such circumstances as may be specified in the order;

(c) regulate by licences, permits or otherwise the production, supply, storage, transport or distribution of any goods or the use of any goods in any industry.

14. Penalties.—(1) Any person who contravenes any of the provisions of this Act, or of any orders or rules made thereunder, shall, if no other punishment is specified therefor in this Act, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both:

Provided that where the person is guilty of an offence under section 8, the court shall sentence him to imprisonment for a term which may extend to three years, and may in addition impose a sentence of fine.

(2) Any person who fails to comply with any directions made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) A court convicting any person of an offence punishable under this Act may order that the goods in respect of which the offence has been committed or a specified part thereof shall be forfeited to the Government.

15. Offences by Corporations.—(1) Where any person, contravening any of the provisions of this Act or of any order or direction made thereunder is a company or other body corporate, every person, who, during the relevant period, was in charge of, and was responsible to the company or other body corporate during that period for the conduct of the business of the establishment in or in relation to which the contravention has taken place, as well as the company or other body corporate, shall be deemed to be guilty of such contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person so in charge or responsible liable to any punishment provided in this Act, if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act or any order or direction made thereunder has been committed by a company or other body corporate and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company or other body corporate, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

16. Powers of search and seizure.—(1) For the purpose of enforcing the provisions of this Act, the Central Government may, by general or special order, authorise any officer not below the rank of an inspector of police—

(a) to enter and search any premises, vehicles, vessels or aircraft occupied for the purpose of the business in any goods or where any such goods may be found;

(b) to seize any goods in respect of which he has reason to believe that an offence under this Act has been committed and thereafter to

take all such measures as may be necessary for securing the production of such goods in court.

(2) If any person obstructs an officer in the exercise of the powers conferred upon him by this section he shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

17. Procedure.—No offence punishable under this Act shall be inquired into by any person below the rank of an inspector of police and no prosecution for any such offence shall be instituted except with the previous sanction of the Central Government or of an officer not below the rank of a district magistrate empowered by the Central Government to grant such sanction.

18. Summary trials.—(1) Notwithstanding anything contained in section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), a magistrate empowered to act under that section may try any offence punishable under this Act in a summary way under the provisions of Chapter XXII of the said Code, and shall so try any such offence unless he is of opinion that in the event of the offence being proved a sentence which he is empowered under that Chapter to impose would be insufficient

(2) Notwithstanding anything contained in section 362 of the said Code, a presidency magistrate trying an offence punishable under this Act shall not record the evidence or frame a charge unless he is of opinion that in the event of the offence being proved a sentence against which, in accordance with the provisions of sections 404 and 411 of the said Code no appeal lies, would be insufficient:

Provided that, where at any subsequent stage of a trial commenced in accordance with this sub-section, it appears to the presidency magistrate that in the event of the offence being proved such sentence as aforesaid would be insufficient, he shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided in the said section 362 for a case in which an appeal lies

(3) Notwithstanding anything contained in section 526 of the said Code, no decision of a court to try any offence punishable under this Act otherwise than in the summary manner provided by this section shall be a valid ground on which to make an application under that section.

(4) References in this section to the Code of Criminal Procedure, 1898, or to any provision thereof shall, in relation to any Part B State to which this Act extends, be construed as references to the corresponding law or to the corresponding provision thereof in force in that State.

19. Accounts and information.—(1) The Central Government may direct any dealer or producer to keep such books, accounts and other records in relation to all sale and purchase transactions entered into by him as it thinks necessary.

(2) The Central Government may direct a dealer or producer—

(a) to produce to, and allow to be examined by, a person specified in this behalf such books, accounts or other documents in the custody or under the control of the person so required as may be specified or described in the direction being documents relating to the transactions or business the examination of which may be required for the purpose of this Act; and

(b) to furnish to a person so specified such information as respects the transaction or business as may be required for the purposes of this Act or such other information as may be in his possession in relation to the business carried on by another person.

(3) The Central Government may by notified order, issue to all dealers and producers of a specified class a direction such as is referred to in sub-section (1) or in clause (a) of sub-section (2).

20. Restriction on disclosure of information.—(1) No information with respect to any particular business which has been obtained under this Act shall, without the consent of the person carrying on that business, be disclosed otherwise than in connection with the execution of this Act.

Provided that nothing in this section shall apply to a disclosure of information made for the purpose of any criminal proceedings which may be taken whether by virtue of this Act or otherwise, or for the purposes of any other law for the time being in force.

(2) If any person discloses any information in contravention of the provisions of this section he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

21. Power to exempt—The Central Government may, by notified order, exempt any person or any goods or class of goods from all or any of the provisions of this Act or of any order made thereunder.

22. Delegation of powers.—(1) The Central Government may, by notified order, direct that any power exercisable by it under this Act (except the power given to it under section 3) shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Central Government or by such State Government as may be specified in the direction.

(2) Any power exercisable by a State Government by virtue of a direction under sub-section (1) may, unless otherwise provided in such direction, be exercised also by such officer or authority subordinate to that State Government as it may, by notified order, specify in this behalf.

23. Power to issue directions to State Governments—The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any order or direction made thereunder.

24. Bar of legal proceedings.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

25. Saving of other laws.—The provisions of the Act shall be in addition to, and not in derogation of, any other law for the time being in force regulating the keeping, searching, distribution, disposal or price of goods.

26. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the matters referred to in sub-section (2) of section 6;

(b) the particulars to be contained in any cash memorandum under section 9;

(c) the manner in which prices may be marked on goods and price lists exhibited;

(d) the issue of licences under section 18, and the attachment of any conditions thereto and the levying of a fee therefor;

(e) any other matter which is to be or may be prescribed.

27. Repeal of Ordinance XXVI of 1950.—(1) The Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

THE SCHEDULE

(See section 8)

GOODS TO WHICH THIS ACT APPLIES

1. Non-ferrous metals, including brass (unwrought and semi-manufactured).
2. Bicycles, bicycle parts and accessories.
3. Cycle tyres and tubes.
4. Electric bulbs.
5. Caustic soda.
6. Soda ash.
7. Tanning materials (wattle bark, wattle extract, quebracho)
8. Raw rubber.
9. Casein.
10. Infants' foods (Glaxo, Horlicks, Cow and Gate Milk and Ostermilk).

THE INDIAN INCOME-TAX (AMENDMENT) ACT, 1950

No. LXXI OF 1950

An Act further to amend the Indian Income-tax Act, 1922

[28rd December, 1950]

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Indian Income-tax (Amendment) Act, 1950.

2. **Amendment of section 9 (1), Act XI of 1922.**—To sub-section (1) of section 9 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act), the following *Explanation* shall be added, and, subject to the provisions of section 3 of this Act, shall be deemed always to have been added, namely:—

Explanation.—For the purposes of clause (iv) of this sub-section, the expression “annual charge” does not include any tax in respect

of property or income from property levied by a local authority or a State Government or the Central Government.'

3. Section 2 not to apply in certain cases.—Where before the 7th day of October, 1950, the Supreme Court has, on an appeal in respect of the assessment of an assessee for any particular year, held that any tax paid by that assessee in respect of the relevant previous year is an "annual charge not being a capital charge" within the meaning of clause (iv) of sub-section (1) of section 9 of the said Act, then nothing contained in section 2 of this Act shall apply to the assessment of such assessee for that particular year.

4. Special procedure for revision in certain cases.—Where in respect of any assessment of an assessee under the head "Income from property", other than an assessment referred to in section 3, an allowance has, between the 28th day of May, 1950, and the 7th day of October, 1950, been made by an Income-tax authority or the Appellate Tribunal in respect of any municipal or other taxes levied by a local authority or a State Government as an annual charge not being a capital charge, the Income-tax Officer shall revise the assessment by excluding such allowance, and if, in consequence of such revision, any tax is found payable by the assessee, the Income-tax Officer shall serve on the assessee a notice of demand specifying the sum so payable, and such notice of demand shall be deemed to be issued under section 29 of the said Act, and the provisions of the said Act shall apply accordingly.

5. Amendment of section 9 (2), Act XI of 1922.—(1) As from the 1st day of April, 1951, for sub-section (2) of section 9 of the said Act, the following sub-section shall be substituted, namely:—

"(2) For the purposes of this section, the annual value of any property shall be deemed to be the sum for which the property might reasonably be expected to let from year to year:

Provided that where the property is in the occupation of the owner for the purposes of his own residence and the aforesaid sum exceeds ten per cent. of the total income of the owner, the annual value of the property shall be deemed to be ten per cent. of such total income:

Provided further that where the property is in the occupation of a tenant and the taxes levied by any local authority in respect of the property are, under the law authorising such levy, payable wholly by the owner or partly by the owner and partly by the tenant—

(a) one-half of the total amount of such taxes or one-eighth of the annual value of the property, whichever is less, shall, notwithstanding anything contained in such law, be deemed to be the tenant's liability for such taxes, and

(b) in determining the annual value of the property with reference to the rent payable by the tenant, a deduction shall be made equal to that part, if any, of the tenant's liability which is borne by the owner "

(2) The amendment made by sub-section (1) shall apply to all assessments for the year ending on the 31st day of March, 1952, and for any subsequent year.

6. Repeal of Ordinance XXVIII of 1950.—(1) The Indian Income-tax (Amendment) Ordinance, 1950 (XXVIII of 1950), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by this Act, as if this Act were in force on the day on which such thing was done or action was taken

THE ESSENTIAL SUPPLIES (TEMPORARY POWERS) AMENDMENT ACT, 1950.

No. LXXII OF 1950

An Act further to amend the Essential Supplies (Temporary Powers) Act, 1946.

[23rd December, 1950]

Enacted by Parliament as follows:—

1. Short title.—This Act may be called the Essential Supplies (Temporary Powers) Amendment Act, 1950.

2. Amendment of section 3, Act XXIV of 1946.—In section 3 of the Essential Supplies (Temporary Powers) Act, 1946,—

(a) in sub-section (1), for the words “notified order” the word “order” shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) An order made under sub-section (1) shall,—

(a) in the case of an order of a general nature or affecting a class of persons, be notified in the Official Gazette; and

(b) in the case of an order affecting an individual person, be served on such person—

(i) by delivering or tendering it to that person, or

(ii) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that person lives and the written report whereof should be witnessed by two persons living in the neighbourhood”

3. Repeal of Ordinance XXXI of 1950.—(1) The Essential Supplies (Temporary Powers) Amendment Ordinance, 1950 (XXXI of 1950) is hereby repealed

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken

(3) References in section 2 of this Act to any provision of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) shall be construed as references to that provision as in force immediately before the commencement of the said Ordinance

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1950

No. LXXIII of 1950.

An Act to amend the Representation of the People Act, 1950.

[23rd December, 1950]

Enacted by Parliament as follows —

1. Short title.—This Act may be called the Representation of the People (Amendment) Act, 1950

2. Amendment of the long title, Act XLIII of 1950—In the long title of the Representation of the People Act, 1950 (hereinafter referred to as the said Act), after the words ‘the preparation of electoral rolls’ the words and letter “the manner of filling seats in the Council of States to be filled by representatives of Part C States” shall be inserted

3. Amendment of section 2, Act XLIII of 1950.—In section 2 of the said Act after clause (c) the following clause shall be inserted, namely —

“(cc) ‘Council of States constituency means a constituency provided by order made under section 27C for the purpose of election of members to the electoral college for any Part C State or group of such States referred to in section 27A.’

4. Amendment of section 16, Act XLIII of 1950.—In section 16 of the said Act—

(a) in clause (c) of sub section (1) after the word “corrupt” the words ‘and illegal’ shall be inserted, and

(b) to sub section (2) the following proviso shall be added, namely —

“Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (c) of sub section (1) shall forthwith be reinstated in that roll if such disqualification is during the period such roll is in force, removed under any law authorising such removal”

5. Insertion of new section 22A in Act XLIII of 1950—After section 22 of the said Act, the following section shall be inserted, namely —

“22A *Special provisions with regard to electoral rolls first prepared under the Act*—(1) Notwithstanding anything contained in the foregoing provisions of this Part the first electoral rolls under this Act shall be prepared in relation to such areas (referred to in this Act as ‘electoral units’) in each State as the Election Commission may, in consultation with the Government of that State, direct

(2) An electoral roll prepared under sub section (1) shall be published in such manner and at such places as may be prescribed by reference to the electoral unit for which the roll has been prepared for the purpose of inviting claims for inclusion in, or objection to, such roll.

(3) For the purpose of the preparation of electoral rolls under sub-section (1) and the claims and objections referred to in sub-section (2), the provisions of sections 15, 17, 18, 19, 20 and 22 shall have effect as if for any reference to a constituency in the said sections there were substituted a reference to an electoral unit.

(4) After the constituencies in a State have been determined under Part II and after the claims and objections in respect of the electoral rolls for all the electoral units or parts thereof comprised in a constituency so determined have been disposed of in accordance with the rules made in that behalf under section 28 and such electoral rolls have been altered in accordance with the decisions given on such claims and objections, the electoral rolls for all such electoral units and parts thereof so altered shall be republished in the manner prescribed as the electoral roll for such constituency and shall, on such republication, be deemed to be the electoral roll prepared under this Act for that constituency."

6. Amendment of section 26, Act XLIII of 1950.—In section 26 of the said Act, after the words and figures "sections 15 to 25", the brackets, words, figures and letter "(including the special provisions contained in section 22A)" shall be inserted.

7. Amendment of section 27, Act XLIII of 1950.—In sub-section (4) of section 27 of the said Act, after the figures "29" the brackets and words "(excluding the proviso)" shall be inserted.

8. Insertion of new Part IVA in Act XLIII of 1950.—After Part IV of the said Act, the following Part shall be inserted, namely:—

"PART IVA

MANNER OF FILLING SEATS IN THE COUNCIL OF STATES TO BE FILLED BY REPRESENTATIVES OF PART C STATES.

27A. Constitution of electoral colleges for the filling of seats in the Council of States allotted to Part C States.—(1) For the purpose of filling any seat or seats in the Council of States allotted to any Part C State or group of such States in the Fourth Schedule to the Constitution there shall be an electoral college for each such State or group of States:

Provided that for the purpose of filling the seat allotted to the States of Ajmer and Coorg there shall be an electoral college only for the State of Ajmer:

Provided further that for the purpose of filling the seat allotted to the States of Manipur and Tripura there shall be an electoral college for each of the said States.

(2) The electoral college for each State or group of States specified in the first column of the Fifth Schedule shall consist of the number of members specified in the second column thereof opposite to that State or group of States to be chosen by direct election.

(3) The electoral college first constituted under this Act for any State or group of States so specified shall be reconstituted by a fresh election every time when there is a general election held in that State.

or group of States for the purpose of election of members to the House of the People, and on every such reconstitution the electoral college for that State or group of States functioning immediately before such reconstitution shall be deemed to be dissolved and the electoral college so reconstituted shall be the electoral college for such State or group of States, as the case may be, for the purposes of this Act

(4) Any casual vacancy in the seat of a member of an electoral college for any such State or group of States as is referred to in sub-section (2) shall be filled by election held in the constituency concerned in the manner in which the election of that member to such seat was held

(5) The electoral college for the State of Delhi shall consist of—

(a) the members of the House of the People representing that State;

(b) the non-official members of the Advisory Council of the Chief Commissioner of Delhi; and

(c) the non-official members of every cantonment board, district board, municipal committee and notified area committee within that State.

27B Council of States constituencies.—For the purpose of election of members to the electoral college for any State or group of States specified in the first column of the Fifth Schedule there shall be the constituencies provided by order under section 27C and no other constituencies.

27C. Delimitation of Council of States constituencies.—As soon as may be after the commencement of this Act, the President shall by order determine—

(a) the constituencies into which each State or group of States specified in the first column of the Fifth Schedule shall be divided for the purpose of election of members to the electoral college for such State or group of States;

(b) the extent of each constituency; and

(c) the number of seats allotted to each constituency

27D. Power to alter or amend orders.—The President may, from time to time, after consulting the Election Commission, by order, alter or amend any order made by him under section 27C.

27E Procedure as to orders delimiting constituencies.—(1) The Election Commission shall,—

(a) in consultation with the Advisory Committee set up under sub-section (1) of section 13 in respect of each Part C State specified in the first column of the Fifth Schedule, other than Bilaspur and Himachal Pradesh, formulate proposals as to the delimitation of constituencies in that State under section 27C, and

(b) in consultation with the Advisory Committee set up under the said sub-section in respect of Himachal Pradesh,

formulate proposals as to the delimitation of constituencies in the States of Bilaspur and Himachal Pradesh under section 27C, and submit the proposals to the President for making the order under the said section 27C

(2) Every order made under section 27C shall be laid before Parliament as soon as may be after it is made and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the order is so laid

27F *Electoral rolls for Council of States constituencies*—(1) For the purpose of election of members to the electoral college for any State or group of States specified in the first column of the Fifth Schedule there shall be an electoral roll for every Council of States constituency in that State or group of States

(2) So much of the roll or rolls for any Parliamentary constituency or constituencies for the time being in force under Part III as relate to the areas comprised within a Council of States constituency shall be deemed to be the electoral roll for that Council of States constituency

27G *Termination of membership of electoral college for certain disqualifications*—If a person who is a member of an electoral college becomes subject to any disqualification for membership of Parliament under the provisions of any law relating to corrupt and illegal practices and other offences in connection with elections to Parliament, he shall thereupon cease to be such member of the electoral college

27H *Manner of filling of seats in the Council of States allotted to Part C States*—Save as otherwise provided in section 27I the seat or seats in the Council of States allotted to any Part C State or group of such States in the Fourth Schedule to the Constitution shall be filled by a person or persons elected by the members of the electoral college for such State or group of States in accordance with the system of proportional representation by means of the single transferable vote

27I *Special provisions for the filling of the seats in the Council of States allotted to the States of Ajmer and Coorg and the States of Manipur and Tripura*—(1) The seat in the Council of States allotted to the States of Ajmer and Coorg in the Fourth Schedule to the Constitution shall be filled by a person elected by the members of the electoral college for the State of Ajmer and by the elected members of the Coorg Legislative Council in rotation that is to say at the first general election and at every second subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Ajmer and at the first biennial election and at every third subsequent biennial election the said seat shall be filled by a person elected by the elected members of the Coorg Legislative Council

(2) The seat in the Council of States allotted to the States of Manipur and Tripura in the said Schedule shall be filled by a person elected by the members of the electoral college for the State of Manipur and by the members of the electoral college for the State of Tripura in rotation that is to say at the first general election and at

every second subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Tripura and at the first biennial election and at every third subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Manipur

(3) The casual vacancy in the seat allotted to the States of Ajmer and Coorg or to the States of Manipur and Tripura shall be filled by election in the State in which the election to fill the seat was held at the last preceding general or biennial election as the case may be

(4) Every election held under sub section (1), sub section (2) or sub section (3) shall be held in accordance with the system of proportional representation by means of the single transferable vote

27I *Power of electoral colleges or the Coorg Legislative Council to elect notwithstanding vacancies therein*—No election by the members of an electoral college or the elected members of the Coorg Legislative Council under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of such college or Council as the case may be

27K *Replacement of electoral colleges by bodies created under article 240 to function as legislatures*—Notwithstanding anything contained in the foregoing provisions of this Part—

(a) if a body is created by Parliament by Law under article 240 for any of the States specified in the first column of the Fifth Schedule, other than Bilaspur and Himachal Pradesh, to function as a legislature for that State then after such body has been constituted it shall not be necessary to constitute or reconstitute any electoral college for that State and on the constitution of such body any electoral college for the time being functioning for such State shall be deemed to be dissolved, and section 27H or section 27I, as the case may be, shall in its application to that State have effect as if for any reference to the electoral college for such State in that section there were substituted a reference to the body so created for such State,

(b) if any such body as aforesaid is so created for each of the States of Bilaspur and Himachal Pradesh, then after both such bodies have been constituted it shall not be necessary to constitute or reconstitute any electoral college for those States and on the constitution of both such bodies any electoral college for the time being functioning for those States shall be deemed to be dissolved, and section 27II shall, in its application to that group of States, have effect as if for the reference to the electoral college for the said group of States in that section there were substituted a reference to the bodies so created for those States, and

(c) if any such body as aforesaid is so created for the State of Coorg then on the constitution of such body section 27I shall, in its application to that State have effect as if for any reference

to the Coorg Legislative Council in that section there were substituted a reference to the body so created for such State."

9. Amendment of section 28, Act XLIII of 1950.—In clause (b) of sub-section (2) of section 28 of the said Act, the words "in the constituencies to which they relate" shall be omitted.

10. Addition of new Fifth Schedule to Act XLIII of 1950.—After the Fourth Schedule to the said Act, the following Schedule shall be added, namely :—

"THE FIFTH SCHEDULE

[See sections 27A (2), 27B, 27C (a), 27E(1), 27F(1) and 27K(a)]

Number of members of Electoral Colleges

Name of State 1	Number of members 2
1. Ajmer	30
2. Bhopal	30
3. Bilaspur and Himachal Pradesh	42
4. Kutch	30
5. Manipur	30
6. Tripura	30
7. Vindhya Pradesh	60"

11. Repeal of Ordinance XXIX of 1950.—(1) The Representation of the People (Amendment) Ordinance, 1950 (XXIX of 1950), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Act as amended by the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under the said Act as amended by this Act as if this Act were in force on the day on which such thing was done or such action was taken.

K V. K. SUNDARAM,
Secy. to the Govt. of India.